

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
07/27/2001

07/20/2001

CLERK OF THE COURT
FORM R109B

THE HONORABLE JOHN M. GAYLORD

L. Gonzales
Deputy

CR 2000-094270

FILED: _____

STATE OF ARIZONA

LEE M HOLTRY

v.

KEVIN R DUNPHY
DOB: 3/11/85`

LYNN B MOORE

APO-SENTENCINGS-SE
APPEALS-SE
DISPOSITION CLERK-SE
JUVENILE COURT ADMINISTRATION
- SE
MCSO-ATTN RECORDS MANAGER
MCSO-DIS
VICTIM WITNESS DIV-CA-SE

SUSPENSION OF SENTENCE - PROBATION GRANTED

10:15 a.m. State is represented by Theodore Campagnolo and Scott Evans. Defendant is present and represented by Lynn B. Moore-Burns.

Court Reporter, Blanche Paulsen, is present.

Counsel for State and counsel for Defendant make a statement to the Court.

The Defendant is advised of the charge, the determination of guilt and is given the opportunity to speak.

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THE COURT FINDS that reasonable efforts have been made to give the victim notice of the plea proceeding and an opportunity to be heard.

Pursuant to A.R.S. Section 13-607,

THE COURT FINDS AS FOLLOWS:

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived his/her right to a trial with or without a jury, his/her right to confront and cross examine witnesses, his/her right to testify or remain silent and his/her right to present evidence and call his/her own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of guilty.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the crimes of:

OFFENSE: Attempt Child Molest a dangerous crime against children in the Second Degree, a class 3 felony, nondangerous and nonrepetitive offense in violation of A.R.S. Sections 13-1401, 1410, 3821, 1001, 604.01, 702, 801, 31-281 committed on March 24, 2000.

Upon consideration of the offense, the facts, law and circumstances involved in this case, the Court finds that the Defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

As punishment for this crime(s),

IT IS ORDERED suspending imposition of sentence and placing the Defendant on probation for a period of LIFETIME PROBATION commencing July 20, 2001 under the supervision of the Adult

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Probation Department of this Court, in accordance with the formal Judgment and Order suspending sentence and Order imposing terms of probation signed by the Court.

As a condition of probation,

THE COURT FURTHER FINDS that the terms of probation should include incarceration in the Maricopa County Jail as a term and condition of probation.

IT IS ORDERED that the Defendant be incarcerated in the Maricopa County Jail for a period of six months commencing October 19, 2001 and not be released until April 15, 2002. **Defendant shall be incarcerated on said date unless Defendant is enrolled in Y.D.I. Program or similar program prior to October 19, 2001 or the assigned Adult Probation Officer petitions the Court to further defer or delete the jail term imposed.**

IT IS FURTHER ORDERED Defendant is eligible for furlough programs.

Defendant is provided Instructions for Determining Medical Fitness for Work Release or Work Furlough.

IT IS ORDERED that the Defendant pay a monthly probation service fee to the Clerk of the Superior Court of Maricopa County at a rate of \$20.00 commencing on September 1, 2001 and due on the same day of each month thereafter during the term of probation.

REIMBURSEMENT: IT IS ORDERED that the Defendant shall make and pay reimbursement through the Clerk of the Superior Court of Maricopa County for the reasons stated on the record in the total amount of \$100.00.

Payment is to be made in regular monthly payments of \$10.00 commencing September 1, 2001 and on the same day of each month thereafter until paid in full.

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IT IS ORDERED that the Defendant pay an assessment in the amount of \$500.00 to the Clerk of the Superior Court of Maricopa County as follows:

DNA SYSTEM FUND

Payment is to be made in regular monthly payments of \$10.00 commencing September 10, 2001 and on the same day of each month thereafter until paid in full.

Special Terms: #17---Mental Health and Sex Offender

IT IS ORDERED granting the Motion to Dismiss Mesa DR#20000840783 and DR#98-3440470.

The written terms and conditions of probation are handed to the Defendant for explanation, acceptance and signature. The Defendant agrees to the stated waiver of extradition. The Defendant is advised concerning the consequences of failure to abide the conditions of probation.

The Defendant is advised concerning rights of review after conviction and written notice of those rights is provided.

IT IS ORDERED Defendant self-surrender to the custody of the Sheriff of Maricopa County and authorizing the Sheriff to carry out the term of incarceration.

ISSUED: Order of Confinement and Self-Surrender Instructions.

FILED: Conditions of Probation and Notice of Rights of Review after Conviction.

Pursuant to A.R.S. Section 13-3821(i), notification is hereby made to the Sheriff of Maricopa County, Arizona.

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Let the record reflect that the Defendant's thumbprint is permanently affixed to this sentencing order in open court.

10:45 a.m. Matter concludes.

/s/ THE HONORABLE JOHN M. GAYLORD
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)